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NEW ULM MINNEAPOLIS MANKATO MAPLETON DES MOINES

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July 10, 2013

The Honorable Ann D. Montgomery
Attn: Gertie Simon
United States District Court
13W U.S. Courthouse – 300 South Fourth Street
Minneapolis, MN 55415

Re: **American Farm Bureau Federation and Natural Pork Producers Council
v. Bob Perciasepe and U.S. Environmental Protection Agency**
Civil No. 13-1751 (ADM/TNL)

To Whom It May Concern:

This letter will advise the Court of the following:

1. Plaintiffs in the above-referenced action do hereby withdraw, without prejudice, their Motion for Temporary Restraining Order / Preliminary Injunction.

2. Withdrawal of the Motion is based on the representations made by counsel for Defendants, to include the attached e-mail, that the letter of the Environmental Protection Agency, also attached, has been sent to outstanding FOIA requesters; and that such letter will be sent to subsequent requesters.

Thank you for your attention.

Very truly yours,

Gary W. Koch
Attorney for Plaintiffs American Farm Bureau Federation
and National Pork Producers Council
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GWK:elh

cc: Ms. Pamela A. Marentette
Ms. Meredith L. Boylan
Mr. Jay C. Johnson

From: Marentette, Pamela (USAMN) <Pamela.Marentette@usdoj.gov>
Sent: Wednesday, July 10, 2013 9:45 AM
To: Gary Koch
Subject: Am. Farm Bureau Fed. et al. v. EPA et al.--13-cv-1751--agency letter
Attachments: Letter 1.pdf

Gary,

I've attached a sample letter that documents EPA's position. An identical letter was sent in response to the following requests: EPA-HQ-2013-004097, EPA-HQ-2013-007430; EPA-HQ-213-006604; EPA-HQ-2013-004128; EPA-HQ-2013-006737; EPA-HQ-2013-006913. As discussed, any subsequent requesters will receive the same letter.

Best,

Pam

Pamela A. Marentette | Assistant United States Attorney
U.S. Attorney's Office | District of Minnesota
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 09 2013

OFFICE OF
WATER

Re: Freedom of Information Act Request

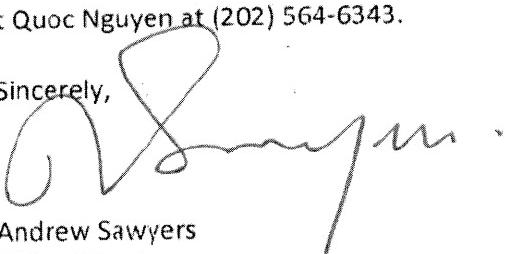
Dear

On July 5, 2013, the U.S. Environmental Protection Agency ("EPA" or "Agency") received a complaint and a request for a temporary restraining order regarding the information you requested in the above-referenced Freedom of Information Act ("FOIA") request. In deference to the court who now has before it an Administrative Procedure Act challenge to the release of such information, the Agency is providing you with an interim response to your FOIA request by notifying you that the Agency will defer its response to your request until the merits of the complaint are decided by the court. Throughout the litigation, the EPA will continue to provide you with periodic updates on the status of your request. Once this litigation is resolved, the Agency will promptly respond to your FOIA request and provide you with your final administrative appeal rights.

As stated earlier, this letter is an interim response to your FOIA request and you do not have to appeal at this time. However, if you feel compelled to contest this interim response, you may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the tracking number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact Quoc Nguyen at (202) 564-6343.

Sincerely,



Andrew Sawyers
Office Director,
Office of Wastewater Management